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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,282	10/06/2003	Benton F. Baugh		3509

7590 10/17/2006  
Benton F. Baugh  
14626 Oak Bend  
Houston, TX 77079

EXAMINER

ADAMS, GREGORY W

ART UNIT PAPER NUMBER

3652

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/678,282

Applicant(s)

BAUGH, BENTON F.

Examiner

Gregory W. Adams

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-18 are rejected under 35 U.S.C. 102(a) as being anticipated by Frijns et al. (US 2002/0159839).

With respect to claims 1, 7, 12, Frijns et al. disclose a method for raising a pipe section from a horizontal position proximate a deck to alignment with a mast for being connected to a pipeline end comprising providing a main support arm S which is pivoted from horizontal to proximately parallel to a mast T, providing a main support arm rotational axis, providing grabbers G on a rotational axis, engaging a pipe section proximate a deck 55, rotating grabbers about a rotational axis center from a position below a rotational axis to a second position above a rotational axis, pivoting a main support arm S and pipe section to a position proximately parallel to a mast and extending a pipe section away from said rotational axis 52 (see FIG. 11 below) in a radial direction. C3/L55-60. Broadly interpreted "extending in a radial direction" is where an object is held out and away from a center point, e.g. along a radius. Frijns discloses extending a pipe section along a radius 50 outward from center rotational axis 52.

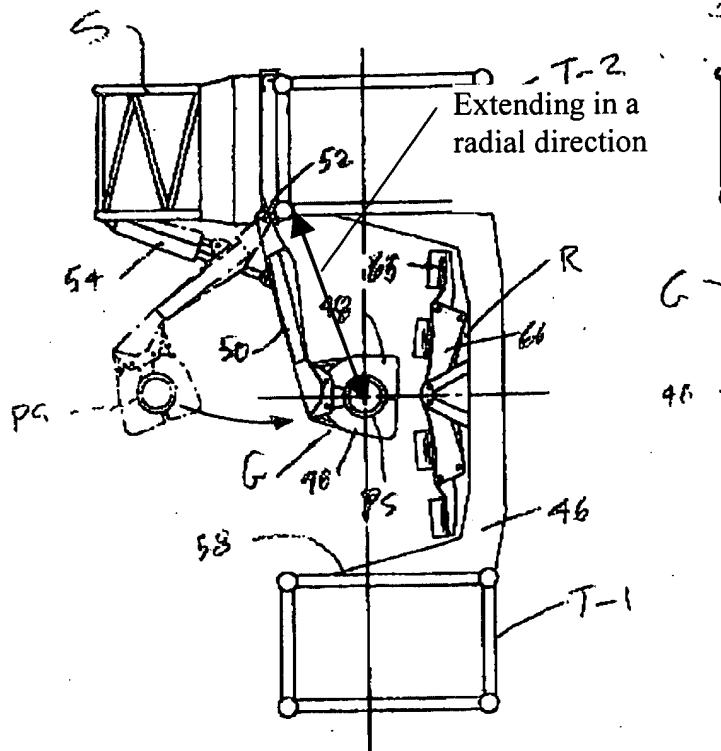


FIG. 11

With respect to claim 2, Frijns et al. disclose extending grabbers G are extended to a first position (Fig. 3) to engage a pipe section proximate a deck 55.

With respect to claim 3, 13, Frijns et al. disclose retracting grabbers G are retracted to a third position (Fig. 4) closer to a rotational axis than said first position prior to rotating said grabbers about a rotational axis to said second position.

With respect to claims 4, 8-9, 14-16, Frijns et al. disclose providing a scissor type mechanism to move a pipe section from second position to a fourth position for delivery to a mast using a scissor mechanism 52, 54.

With respect to claim 5, 10, 17, Frijns et al. disclose the use of force parallel to rotational axis to extend and retract using a scissor mechanism 52, 54.

With respect to claim 6, 11, 18, Frijns et al. disclose hydraulic cylinders.

***Response to Arguments***

Applicant's arguments filed July 3, 2006 have been fully considered but they are not persuasive. With respect to extending, Frijns rotational axis 52 is part of the overall structure used to raise/place a pipe from a horizontal position to a mast. Thus, when support arm moves between two positions indicated in FIG. 11 it is extending away from rotational axis 52. Further, although Frijns scissor mechanism functions differently than Applicant's leg 52 and arm (generally indicated as G) have a scissor motion inasmuch as they extend in a scissor-like motion similar to a scissor mechanism.

***Conclusion***

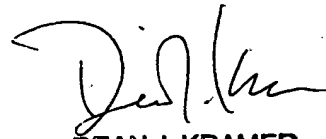
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th., 8:00-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3652

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GWA

  
DEAN J. KRAMER  
PRIMARY EXAMINER 10/16/06